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KERALA MEDICAL PRACTITIONERS BILL, 1972

(Report of the Select Committee)

The Select Committee to which the Kerala Medical Practitioners Bill, 1972 was referred have considered the Bill clause by clause and now submit this their report with the Bill as reported by the Committee annexed thereto.

2. The Bill was published as the gazette extraordinary dated March 16, 1972. The Bill was introduced in the Assembly on October 26, 1972 and the motion for reference to the Select Committee was adopted on October 30, 1972.

3. The Committee held twenty-five sittings of which eleven sittings (one day each at Quilon, Alleppy, Kottayam, Peerumedu, Ernakulam, Trichur, Kottackal, Cannanore, Kasargode, Palghat and Calicut) were entirely devoted to the recording of evidences from representatives of organizations, associations and persons interested in the provisions of the Bill. Changes proposed by the Committee and the reasons therefor are set out in the following paragraphs.

4. *Long title and preamble.*—The Committee feel that it would be more appropriate if the expression 'Indian medicine' is used instead of the expression 'Indigenous medicine'. Necessary changes for the purpose have been made in the long title and preamble and in the other provisions of the Bill.

5. *Clause* 2.

(i) *Sub-clause* (*d*).—The Committee think that 'marma medicine' should also be specifically included within the meaning of the expression 'Indian medicine'. The Sub-clause has been amended accordingly.

(ii) *Sub-clause* (*g*).—The Committee are of the view that the definition of the expression "practitioner" should be modified to specifically take in persons holding appointments under Government and other authorities. The sub-clause has been recast for this purpose.

(iii) *Sub-clause* (*k*).—The Committee think that in respect of modern medicine qualifications mentioned in the Schedules to the Indian Medical Council Act should alone be treated as recognised qualifications. Similarly, the Committee also feel that qualifications mentioned in the Second and Third Schedules to the Homoeopathy Central Council Act, 1973, should be treated as recognised qualifications in respect of Homoeopathic medicine. In relation to Indian medicine the Committee are of the view that degrees or diplomas granted by the Universities in the State and diplomas and certificates granted by the Government which are not included in the Schedules

to the Indian Medicine Central Council Act, 1970, should also be recognised qualifications besides the qualifications mentioned in those Schedules. The Committee also feel that the certificate or diploma granted by the Government Marma Chikitsa Training Centre, Neyyattinkara should be the recognised qualification in respect of marma medicine.

6. *Clause* 3.

(a) The Committee are of the view that the Director of Health Services, the Director of Homoeopathy and the Director of Indigenous Medicine should be the Presidents of the appropriate councils. Necessary modifications for the purpose have been made in the clause.

(b) *Sub-clause* (3).—The Committee consider it desirable to specifically provide that the representation in the Council of Modern Medicine provided for the Universities in the State would be limited to those Universities which have the faculty of modern medicine.

The Committee also think that teachers of the Medical College, Alleppey, should be given representation in the Council of Modern Medicine.

The Committee are also of the view that one of the two members to be nominated by the Government to the Council of Modern Medicine should be a Government Medical Officer.

Necessary changes for the above purposes have been made in the sub-clause.

(c) *Original sub-clause* (4).—The Committee consider it unnecessary to provide that in making nominations by the Government to the Council of Modern Medicine due regard shall be had to the claims of women, medical missions and other groups of practitioners, who have not been duly represented in the Council. The sub-clause has therefore been omitted.

(d) *Sub-clause* (4) [*Original sub-clause* (5)].—The Committee are of the view that teachers of each of the Homoeopathic College in the State recognised by the Government should be given representation in the Council of Homoeopathic Medicine and that one of the two members to be nominated by the Government to the council should be a Government homoeopathic medical officer. Necessary changes have accordingly been made in the sub-clause.

(e) *Sub-clause* (5) [*Original sub-clause* (6)].—The Committee feel that it would be desirable to state specifically that the representation in the Council of Indigenous Medicine provided for Universities in the State would be limited to those Universities having the faculty of Ayurveda.

The Committee further consider that teachers of each of the Ayurvedic Colleges in the State recognised by the Government should be given representation in the council instead of one member to represent the teachers of all such colleges.

The Committee are also of the view that registered practitioners in marma medicine should also be given representation as in the case of practitioners in sidha medicine or in unani tibbi medicine.

The Committee also consider that it is unnecessary to provide for separate representation for grant-in-aid and subsidised vaidyans who are registered practitioners.

The sub-clause has been modified for the above purposes.

7. *Clause* 5.—The Committee think that in the case of the council of Homoeopathic Medicine and the Council of Indian Medicine it is unnecessary to insist that the members thereof should be holders of recognised qualifications. The clause has been modified accordingly.

8. *Clause* 7.—The Committee feel that a person afflicted with leprosy need not be disqualified for being elected or nominated as, or for being, a member of a council. Sub-clause (c) has been suitably modified for this purpose.

9. *Clause* 10.—The proviso to this clause has been omitted as provision for the same purpose is contained in clause 14.

10. *Clause* 16, *sub-clause* (5) (*Original sub-clause* (4).—The Committee consider that the quorum for a meeting of a council shall be one-half of the total number of members of that council. The sub-clause has been modified accordingly.

11. *Clause* 19.—The Committee are of the view that the method of recruitment and qualifications of the officers and servants of the Councils should be fixed with the previous approval of the Government. Sub-clauses (6) and (7) [Original sub-clauses (3) and (4)] have been modified for this purpose.

12. *Clause* 20.

(a) *Sub-clause* (1).—The Committee consider that in view of the specific inclusion of marma medicine within the scope of the definition of Indian Medicine there should be a separate register for that medicine.

(b) *Sub-clause (2) (i)*.—Clause 24 (1) (i) provides that practitioners possessing certain qualifications which are not recognised qualifications in respect of modern medicine are eligible for registration in Part A of the register for modern medicine. But, sub-clause (2) (i) of clause 20 refers only to holders of recognised qualifications. The Committee feel that it is necessary to specifically refer in the sub-clause to the practitioners mentioned in clause 24(1)(i) also. The sub-clause has been modified accordingly.

13. *Clause 22.*—The Committee consider that persons who do not possess the requisite qualifications, except those who have already been registered, should not be allowed to practise modern medicine. The Committee also think that unqualified persons seeking registration in homeopathic medicine or Indian medicine should be registered only if they are found fit to be registered by a Committee constituted for the purpose.

The clause has been recast for the above purpose.

14. *Clause 24.*—The Committee are of the view that all persons who have passed the integrated courses of CCIM and LIM of Madras, and BAM and DAM of the University of Travancore or the University of Kerala should be given registration in Part A1 of the Register for modern medicine.

The Committee feel that holders of the Diploma of CCIM of the Government of Andhra Pradesh should be eligible for registration in Part A1 of the register of modern medicine only if they have been practising in the State for a period of not less than five years immediately preceding the commencement of the Act.

The clause has been recast for the above purposes.

15. *Clause 25 Sub-clause (5).*—The Committee consider that persons whose names are borne on the Indian Medical Register maintained by the Medical Council of India should be exempted from the requirement of obtaining previous permission of the council of modern medicine for practising in the State. A proviso has been added to the sub-clause for this purpose.

16. *Clause 26. Sub-clause (2).*—The Committee think that a person whose name has been removed from a register for default of payment of renewal fee should be made liable to pay a fine in addition to the renewal fee, for restoration of his name in the register. The proviso to the sub-clause has been modified for this purpose.

17. *Clause 27.*—The Committee consider that the list to be maintained by the Registrar should be a list of practitioners as on 1st January, 1974.

The Committee also feel that sub-clause (2) which provides for the inclusion of the names of unqualified persons in the said list is unnecessary. The clause has been modified for the above purpose.

18. *Clause 29.*—The Committee consider that in order to avoid unnecessary hardships to applicants for registration, a time-limit should be prescribed for disposal of the applications for registration. A new sub-clause (4) has been added to the clause for this purpose.

19. *Clause 30.*—The Committee feel that a provision should be made in this clause for the automatic removal of the name of a person from the State register if his name is removed from the Indian Medical Register or from the register maintained under the Indian Medical Central Council Act, 1970, or from the Medical Register of any other State. A new sub-clause (3) has been added to the clause for this purpose.

20. *Clause 34*—The Committee think that it would be unjust not to allow practitioners registered in Part B of a register to give valid medical certificates to their patients while they are permitted to practise. The Committee has therefore omitted sub-clause (1) (ii) of the clause.

21. *Original Clause 43.*—The Government of India have suggested the omission of this clause since provision for the purpose is contained in the Indian Medical Council Act, 1956. The Committee feel that separate provision for the purpose in the State Act will not be conducive to uniformity in the standards of post-gradnate qualification in the country and has accordingly omitted the clause.

22. *Clause 46 (Original clause 47).*—The Committee feel that the first proviso to the clause which empowers the Government to make the provisions of the clause inapplicable in certain circumstances is unnecessary. The proviso has therefore been omitted.

23. *Clause 47 (Original clause 48).*—The Committee consider that the penalty prescribed in this clause is very light and that more severe punishment should be provided in order to deter persons from violating the provisions of the law. The changes made in this clause are intended for this purpose.

24. *Clause 48 (New clause).*—The Committee think that provision should be made to empower the Revenue Divisional Officer to search any place in which he has reasons to believe that any unregistered person is practising medicine in contravention of the provisions of the Act and to arrest such person. New clause 48 has been included for this purpose.

25. *Clause 49.*—The modification made in this clause is intended to make it clear that the power to confer titles should be

exercised only by an authority, body or institution authorised in that behalf by or under an Act of Parliament or approved by the Government of India.

26. *Original clause 53.*—The Committee consider that the provisions in this clause requiring a council to pass a resolution authorising the Registrar or any member of the council to initiate prosecution in each case of breach of any of the provisions of the legislation would entail much delay. The Committee are therefore of the view that the Registrar should have the power to initiate prosecution with the approval of the President of the council concerned. This clause has accordingly been omitted and sub-clause (2) of clause 53 (original clause 54) has been modified suitably.

27. *New clause 57.*—The Committee are of the view that a provision should be made to the effect that the registration of any person who is deemed to be registered under clauses 28 and 56 should cease to have effect if he does not apply for renewal within three months of the commencement of the Act. The clause 57 is intended for this purpose.

28. The other changes made by the Committee are either verbal or consequential.

N. K. BALAKRISHNAN,

Chairman of the Select Committee.

THE KERALA MEDICAL PRACTITIONERS BILL, 1972

(Bill as modified by the Select Committee)

[Words underlined or sidelined indicate the amendments suggested by the committee, omissions are indicated by the asterisks]

A

BILL

to regulate the qualifications and to provide for the registration of practitioners of modern medicine, homoeopathic medicine and Indian medicine with a view to encourage the study and spread of such medicines and to consolidate and amend the law relating to medical practitioners generally in the State of Kerala.

Preamble.—WHEREAS it is expedient to regulate the qualifications and to provide for the registration of practitioners of modern medicine, homoeopathic medicine and Indian medicine with a view to encourage the study and spread of such medicines and to consolidate and amend the law relating to medical practitioners generally in the State of Kerala;

BE it enacted in the Twenty-fifth Year of the Republic of India as follows:—

PART I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Medical Practitioners Act, 1974.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "council" means, in relation to matters pertaining to modern medicine, the Council of Modern Medicine, in relation to matters pertaining to homoeopathic medicine, the Council of Homoeopathic Medicine, and in relation to matters pertaining to Indian medicine, the Council of Indian Medicine; established under section 3;

(b) "homoeopathy" means the system of medicine founded by Dr. Hahenmann and the expression "Homoeopathic" shall be construed accordingly;

(c) "hospitals", "asylum", "infirmaries", "dispensaries", "clinics" "surgeries", "lying-in-hospitals", "sanatoria", "nursing homes", "vaidyasalas", "dharmasalas" and other cognate expressions mean institutions where the methods of treatment carried on are those which are approved by the appropriate council;

(d) "Indian medicine" means the ayurvedic medicine, the siddha medicine, the unani tibbi medicine and the marma medicine whether supplemented or not by such modern advances as the Council of Indian Medicine may, from time to time, recognise;

(e) "medical school or college" means any institution where teaching or training in the art and science of healing for human ailments according to modern medicine, homoeopathic medicine or Indian medicine is imparted;

(f) "modern medicine" means the allopathic system of medicine;

(g) "Practitioner" in relation to modern medicine or homoeopathic medicine or Indian medicine, means any person ordinarily engaged in the practice of that system of medicine and includes any person holding any appointment under the Government or a local authority or other authority:

Provided that a person holding such appointment shall not be deemed to be a practitioner if a qualification of, or knowledge in, the system of medicine in which he is qualified or has knowledge is not required for holding the post;

(h) "president" means the president of the appropriate council;

(i) "qualified practitioner" means a practitioner holding a recognised qualification;

(j) "qualified registered practitioner" means a qualified practitioner whose name is for the time being entered in a register;

(k) "recognised qualification" means—

(i) in relation to modern medicine, any of the qualifications included in the schedules to the Indian Medical Council Act, 1956;

(ii) in relation to homoeopathic medicine, any of the qualifications included in the Second or the Third Schedule to the Homoeopathy Central Council Act, 1973; and

(iii) in relation to Indian medicine, any of the qualifications included in the Schedules to the Indian Medicine Central Council Act, 1970 or any of the qualifications specified in the Schedule to this Act;

(l) "register" means a register of practitioners maintained under this Act;

(m) "registered practitioner" means a practitioner whose name is for the time being entered in a register;

(n) "Registrar" means the Registrar of the appropriate council appointed under section 19;

(o) "regulations" means regulations made by the appropriate council under this Act;

(p) "rules" means the rules made by the Government under this Act;

** ** ** **

(q) "State" means the State of Kerala.

PART II

ESTABLISHMENT OF COUNCILS

3. *Establishment, incorporation and constitution of councils.*—(1) The Government shall, by notification in the Gazette, establish the following three councils namely:—

(a) the Council of Modern Medicine;

(b) the Council of Homoeopathic Medicine; and

(c) the Council of Indian Medicine.

(2) Every Council established under sub-section (1) shall be a body corporate, having perpetual succession and a common seal and shall by the said name sue and be sued.

(3) The Council of Modern medicine shall consist of the following members, namely:—

(a) the Director of Health Services, ex officio, who shall be the President;

(b) one member from each University in the State having the faculty of modern medicine, elected by the members of the faculty from among themselves;

(c) four members, one elected by the teachers of the Medical College, Trivandrum, from among themselves, one elected by the teachers of the Medical College, Kottayam, from among themselves, one elected by the teachers of the Medical College, Kozhikode, from among themselves and one elected by the teachers of the Medical College, Alleppey, from among themeselves;

(d) one member from each revenue district elected by the qualified registered practitioners of modern medicine of that district from among themselves; and

(e) two members nominated by the Government, of whom one shall be a Government Medical Officer.

(4) ** ** ** **

(4) The council of Homoeopathic Medicine shall consist of the following members, namely:—

(a) The Director of Homoeopathy, ex officio, who shall be the President;

(b) one member from each revenue district elected by the *** registered practitioners of homoeopathic medicine of that district from among themselves;

(c) one member elected from among themselves by the members of the teaching staff of each of the Homoeopathic Colleges in the State recognised by the Government; and

(d) two members nominated by the Government, of whom one shall be a Government Homoeopathic Medical Officer.

(5) The Council of Indian Medicine shall consist of the following members, namely:—

(a) The Director of Indigenous Medicine, ex officio, who shall be the President;

(b) one member from each University in the State having the faculty of Ayurveda, elected by the members of the faculty from among themselves;

(c) one member elected from among themselves by the teachers (who are registered practitioners of Ayurvedic Medicine) of each of the Ayurvedic Colleges in the State recognised by the Government;

(d) one member from each revenue district, elected by the ** ** ** registered practitioners of Ayurvedic Medicine of that district, from among themselves;

(e) five members nominated by the Government from among the registered practitioners of Indian medicine, of whom—

(i) one shall be a registered practitioner in Sidha Medicine, if there are not less than fifty registered practitioners in that medicine; ** **

(ii) one shall be a registered practitioner in Unani Tibbi Medicine, if there are not less than fifty registered practitioners in that Medicine;

(iii) one shall be a registered practitioner in marma medicine, if there are not less than fifty registered practitioners in that medicine; and

(iv) one shall be a Government Ayurvedic Medical Officer:

Provided that if the number of registered practitioners in any of the systems of medicine referred to in sub-clause (i), (ii) and (iii) is less than fifty, no member shall be nominated from among the registered practitioners of that system of medicine.

(f) ** ** **

4. *Nomination of members in default of election.*—If any of the members mentioned in clause (b) or clause (c) or clause (d) of sub-section (3) or in clause (b) or clause (c) of sub-section (4) or in clause (b) or clause (c) or clause (d) ** ** ** of sub-section (5), of section 3 is not elected, the Government may nominate such ** ** ** registered practitioner as they may deem fit; and the practitioner so nominated shall, for the purposes of this Act, be deemed to have been duly elected under clause (b) or clause (c) or clause (d) of sub-section (3), or clause (b) or clause (c) of sub-section (4), or clause (b) or clause (c), or clause (d) ** ** of sub-section (5), as the case may be, of section 3.

5. *Qualification of members.*—Every member of a Council shall be a registered practitioner and in the case of the Council of modern medicine shall also be the holder of a recognised qualification.

6. *Nomination of members of first councils.*—Notwithstanding anything contained in sections 3, 4 and 5, in the case of the first councils, constituted after the commencement of this Act, all the members other than the ex-officio members shall be nominated by the Government:

Provided that, in the case of the Council of Modern Medicine, the members so nominated shall be holders of recognised qualifications.

7. *Disqualifications for membership.*—A person shall be disqualified for being elected or nominated as, and for being, a member of a council,—

(a) if he has not attained the age of majority;

(b) if he is an undischarged insolvent;

(c) if he is of unsound mind and stands so declared by a competent court or a deaf-mute ** ** **;

(d) if he is not a resident of the State; *** ***

(e) if he has been punished by the appropriate Council or by the council established under the Travancore-Cochin Medical

Practitioners Act, 1953 or by the Medical Council established under the Madras Medical Registration Act, 1914, in any manner for infamous conduct in the profession or if he is dismissed from service under any Government;

(f) if his name has been removed from the appropriate register maintained under this Act and has not been reinstated;

(g) if, having been elected under clause (b) of sub-section (3), of section 3 he ceases to be a member of the faculty of Medicine of the University from which he was elected;

(h) if, having been elected under clause (c) of sub-section (3) of section 3, he ceases to be a teacher of the Medical College, Trivandrum or the Medical College, Kottayam, or the Medical College, Kozhikode or the Medical College, Alleppey, as the case may be;

(i) if, having been elected under clause (c) of sub-section (4) of section 3, by the teaching staff of a Homoeopathic College he ceases to be a member of the teaching staff of that college;

(j) if, having been elected under clause (b) of sub-section (5) of section 3, he ceases to be a member of the Faculty of Ayurveda of the University from which he was elected;

(k) if, having been elected under clause (c) of sub-section (5) of section 3, by the teachers of an Ayurveda College, he ceases to be a teacher of that College;

(l) if, having been nominated under clause (e) of sub-section (3) or clause (d) of sub-section (4) or sub-clause (iv) of clause (c) of sub-section (5) of section 3 in the capacity of a Government Medical Officer, he ceases to be in the service of the Government.

8. *Term of office of members.*—(1) Save as otherwise provided in this Act, the term of office of the members other than the ex-officio members shall—

(a) in the case of the first councils constituted after the commencement of this Act, be two years commencing from the date on which the first meeting of such councils is held; and

(b) in the case of any council other than the first council constituted after the commencement of this Act, be five years from the date on which the first meeting of such council is held.

(2) An outgoing member shall continue in office until the election or nomination, as the case may be, of his successor.

(3) An outgoing member shall be eligible for re-election or re-nomination, if otherwise qualified.

9. *Vice-President.*—(1) Each council shall elect one of its members to be its Vice-President.

(2) The Vice-President shall be deemed to have vacated his office on resignation or on the expiry of his term of office as a member or on his otherwise ceasing to be a member.

(3) When the President is temporarily absent, the Vice-President shall exercise the powers and perform the functions of the President.

(4) An outgoing Vice-President shall be eligible for re-election if otherwise qualified.

Explanation.—A new Vice-President shall be deemed to have assumed office on his being declared elected as such.

10. *Vacancies.*—(1) If a vacancy occurs in the office of a member of a council by death, resignation, removal or disability of such member or otherwise, previous to the expiry of the term of his office, the vacancy shall be filled in the manner prescribed by rules.

(2) Any person elected or nominated to fill the vacancy shall, notwithstanding anything contained in section 8, hold office only so long as the member in whose vacancy he is elected or nominated would have held office if the vacancy had not occurred.

* * * * * * *

11. *Appointments to be notified in the Gazette.*—All Elections and nominations *** of the President, the Vice-President and the members of each council and the appointment of the Registrar shall be notified in the Gazette.

12. *Cessation of membership.*—A member of a council shall be deemed to have vacated his seat—

(a) on the expiry of the term of office;

(b) on resignation;

(c) on absence without excuse sufficient in the opinion of the appropriate council, from three consecutive meetings of such council; or

(d) on becoming subject to any of the disqualifications mentioned in Section 7.

13. *Resignation of membership.*—Any member or Vice-President may, at any time, resign his office by giving notice in writing to the President and such resignation shall take effect from the date on which it is received by the President.

14. *Validity of proceedings.*—(1) No disqualification or defect in the election or nomination of any person acting as a member of a council or as a Vice-President or presiding member

of a meeting shall be deemed to invalidate any act or proceedings of such council in which such person has taken part.

(2) No act done by a council shall be deemed to be invalid on the ground merely of the existence of any vacancy in, or any defect in the constitution of, such council.

15. *Time and place of meetings of council.*—Each council shall meet at such time and place and every meeting of the council shall be summoned by such person and in such manner as may be prescribed by regulations:

Provided that until such regulations are made, it shall be lawful for the President to summon a meeting of such council at such time and place as he may deem expedient, by letter addressed to each member.

16. *Presidency at meetings of council and procedure thereat.*—(1) Every meeting of a council shall be presided over by the president; in his absence by the Vice-President and in the absence of both the President and the Vice-President by a member chosen by the meeting to preside for the occasion.

(2) The President shall preserve order and shall decide all points of order at or in connection with meetings. There shall be no discussion on any point of order and the decision of the President on any point of order shall be final.

(3) The Vice-President or the member presiding for the occasion shall, while so presiding, have all the powers of the President.

(4) All questions at a meeting of a council shall be decided by the votes of the majority of the members present and voting at the meeting.

(5) One half of the total number of members of a Council shall form the quorum at a meeting of that Council.

(6) If within half an hour from the time appointed for the meeting, there is no quorum, the meeting shall stand adjourned to the same day in the following week at the same time and place, and if at the adjourned meeting there is no quorum within half an hour from the time appointed for the meeting, the members present shall form the quorum.

(7) At every meeting of a Council, the President or the person presiding shall, in addition to his vote as a member of the council, have a second or casting vote in case of an equality of votes.

17. *Payment of fees and allowances.*—There shall be paid to the President, the Vice-President and the other members of each council such fees and allowances for attendance in connection with the meeting of the council or of any committee thereof and such travelling allowances as shall, from time to time, be prescribed by rules.

18. *Executive Committee.*—Each council shall have power to appoint an Executive Committee and other committees from among its members and to delegate to such committees by regulations made in this behalf such of the powers and duties vested in the council as the council may deem fit, other than those provided by sections 19 and 45.

19. *Registrar and other officers and servants of Councils.*—(1) The Government shall, after consulting each council, appoint a Registrar who shall be the Secretary to such council and to the committee appointed under sub-section (2) of section 45.

(2) The Registrar shall receive such salary and allowances as may be prescribed by rules.

(3) The Government may grant leave to the Registrar and may appoint a person to act in his place.

(4) Subject to such rules as may be prescribed each council shall have power to punish the Registrar and any order of a council punishing the Registrar shall not take effect without the previous approval of the Government.

(5) Each council may appoint such other officers and servants as it may deem necessary for the purposes of this Act.

(6) The number and designations of the officers and servants referred to in sub-section (5) and the method of recruitment, qualifications and allowances of such officers and servants shall be subject to the previous approval of the Government.

(7) ** ** ** The conditions of service such as pay, allowances, promotions, leave, pension, gratuity and provident fund relating to the officers and servants appointed under sub-section (5) shall be governed by the rules applicable to officers and servants of the Government of similar class.

(8) All officers and servants appointed under sub-section (5) shall be under the direct control and supervision of the Registrar:

Provided that the powers of the Registrar to punish, dismiss, discharge and remove any such officer or servant shall be governed by such rules as may be framed by the Government in this behalf.

(9) The Registrar and all Officers and servants appointed under sub-section (5) shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

20. *Registers.*—(1) There shall be separate registers for modern medicine, homoeopathic medicine, ayurvedic medicine, sidha medicine, *** unani tibbi medicine and marma medicine. The registers shall be in such form and shall contain such particulars as may be prescribed by rules.

(2) The register for modern medicine shall be divided into three parts A, A1, and B,—

(i) Part A containing the names of practitioners holding recognised qualifications and of practitioners referred to in clause (i) of sub-section (1) of section 24;

(ii) Part A1 containing the names of persons registered in pursuance of clause (ii) or clause (iii) or clause (iv) of sub-section (1) of section 24; and

(iii) Part B containing the names of persons registered in Part B of the register for modern medicine maintained under the Travancore-Cochin Medical Practitioners Act, 1953 and whose names stand in that register at the commencement of this Act.

(3) The register for homoeopathic medicine, ayurvedic medicine, sidha medicine, ** unani tibbi medicine and marma medicine shall each be divided into two parts, A and B,—

(a) Part A containing the names of—

(i) practitioners holding recognised qualifications;

(ii) practitioners holding appointments as physicians vaidyans or other medical officers under the Government at the commencement of this Act; and

(iii) in the case of the register for ayurvedic medicine, persons registered in pursuance of sub-section (3) or sub-section (8) of section 22 and persons registered under the rules for the Registration of Practitioners of Indian Medicine issued by the Government of Madras under class A referred to in rule 2 of the said rules; and

(b) Part B containing the names of persons registered by virtue of sub-section (4) of section 22.

(4) The Registrar shall keep the registers in accordance with the provisions of this Act and the rules and regulations made thereunder, and shall remove from the registers the names of registered practitioners who are dead or whose names are directed to be removed from the registers under section 30, 31, 35 or 36.

(5) For the purposes of sub-section (4), the Registrar may write by registered post with acknowledgment due to any registered practitioner in the address which is entered in the register to enquire, whether he has ceased to practice or has changed his residence to a place outside the State, and if no answer is received to the said letter within six months, the Registrar may after due enquiry, remove the name of the said practitioner from the register:

Provided that the appropriate council may, on the application of the said practitioner and on payment of a fee of five rupees, direct that his name be re-entered in the register, if it is satisfied that the said practitioner has not ceased to practice or changed his residence to a place outside the State.

(6) The registers shall be deemed to be public documents under Section 74 of the Indian Evidence Act, 1872.

21. *Default of council.*—(1) If at any time it shall appear to the Government that a council has failed to exercise or has exceeded or abused any of the powers conferred on it by or under this Act or has failed to perform any of the duties imposed on it by or under this Act, the Government may, if they consider such failure, excess or abuse to be of a serious character, notify the particulars thereof to such council, and if such council fails to remedy such default, excess or abuse, within such time as the Government may fix in this behalf, the Government may dissolve such council and cause all or any of the powers and duties or such council to be exercised and performed by such persons and for such period as they may think fit, and thereupon the funds and property of such council shall vest in the Government for the purposes of this Act until a new council shall have been constituted under section 3.

(2) Where the Government have dissolved a council under sub-section (1), they shall take steps as soon as may be to constitute a new council under section 3; and on the Constitution of such new Council the property and funds referred to in sub-section (1) shall vest in that council.

22. *Eligibility for registration*.—(1) Every holder of a recognized qualification and every practitioner holding appointment under the Government or a local authority or other authority at the commencement of this Act shall be eligible for registration under this Act.

(2) The Government may, after consulting the appropriate council permit the registration of any person who shall furnish to such council proof that he is possessed of a medical degree, diploma or certificate other than a recognised qualification of any University, medical school or college approved by such council.

(3) The Government may, after consulting the Council of Indian Medicine, permit the registration of any person who is, in the opinion of the Government, an eminent practitioner in Ayurvedic Medicine in Part A of the register for Ayurvedic Medicine, notwithstanding the fact that he does not possess any recognised qualification.

(4) Any person, not being a person referred to in sub-section (1) or sub-section (2) or sub-section (3), who within a period of one year or such other longer period as may be fixed by the Government from the date on which this Act comes into force, proves to the satisfaction of the appropriate council that he had been in regular practice as a practitioner in ayurvedic medicine or siddha medicine or unani tibbi medicine or marma medicine or homoeopathic medicine for a period of not less than ten years immediately preceding the commencement of this Act shall, if he is found fit to be registered under this Act by a Committee appointed under sub-section (6), be entitled to have his name entered in Part B of the register for Ayurvedic medicine or Siddha medicine or Unani tibbi medicine or marma medicine or homoeopathic medicine, as the case may be.

(5) Applicants for registration under sub-section (4) shall produce a certificate in Form I as set forth in the Schedule from an officer of the Revenue Department not below the rank of Tahsildar.

(6) The Committee referred to in sub-section (4) shall consist of—

(a) in the case of Ayurvedic medicine or siddha medicine or unani tibbi medicine or marma medicine, the District Indigenous Medical Officer of the district in which the applicant was a practitioner at the commencement of this Act an Ayurvedic Medical Officer of that district nominated by the Director of Indigenous Medicine and an eminent physician in Ayurvedic medicine to be nominated by the Council for Indian Medicine;

(b) in the case of Homoeopathic medicine, the Director of Homoeopathy or a qualified practitioner in Homoeopathic medicine nominated by him in this behalf, a Homoeopathic medical officer of the district in which the applicant was a practitioner at the commencement of this Act nominated by the Director of Homoeopathy and an eminent homoeopathic physician nominated by the Council of Homoeopathic Medicine.

(7) The Committee shall determine the fitness of the applicants for registration in such manner as may be prescribed by rules.

(8) The Government shall have power to direct the registration in Part A of the register for Ayurvedic medicine of any practitioner in Ayurvedic medicine who, at the time of registration under this section, is employed in a hospital, asylum, infirmary, clinic, surgery, lying-in-hospital, sanatorium, nursing home, dispensary, Medical School or college, vaidyasala or dharmasala managed by any corporate body:

Provided however that no such practitioner shall be registered under this sub-section after the expiration of one year or such other longer period as may be fixed by the Government, from the date on which this Act comes into force.

(10) No person shall be eligible for registration under sub-section (1) or sub-section (2) or sub-section (3) or sub-section (4) or sub-section (8) if he is subject to any of the disqualifications mentioned in clauses (a) to (f) of section 7.

23. *Provisional registration.*—(1) If the courses of study to be undergone for obtaining a recognised qualification in modern medicine, homoeopathic medicine or Indian medicine include a period of training after a person has passed the qualifying examination and before such qualification is conferred on him, any such person shall, on application made by him in this behalf, be granted provisional registration in modern medicine or homoeopathic medicine or Indian medicine as the case may be, for the period aforesaid and thereupon he shall be entitled to practice modern medicine or homoeopathic medicine or Indian medicine for which provisional registration has been granted during such period in any institution recognised by the Government for the purpose.

(2) An application for provisional registration shall be in Form II as set forth in the Schedule accompanied by a fee of five rupees.

24. *Special provisions relating to holders of the degree of B. A. M., the diploma of D. A. M., the diploma of Graduate of the College of Integrated Medicine and the Diploma of Licentiate*

in Integrated Medicine.—(1) Notwithstanding anything contained in this Act,—

(i) any person—

(a) who, at the commencement of this Act possesses the degree of B. A. M., or the diploma of D. A. M., of the University of Travancore or the University of Kerala; or

(b) who having been admitted to the course for such degree or diploma not later than the academic year 1958-59 has taken the degree or diploma after the commencement of this Act;

and who possesses the diploma of D. M. S. on passing the examination conducted by the Board of Examiners for the D. M. S. course constituted by the Government shall be entitled to be registered in Part A of the register for modern medicine;

(ii) any person who possesses the diploma of G. C. I. M. or L. I. M. of the College of Integrated Medicine or School of Indian Medicine granted by the Board of Examiners in integrated or Indian Medicine, Madras shall be eligible for registration in Part A1 of the register for modern medicine and on such registration he shall be deemed to be a qualified registered practitioner in modern medicine;

(iii) any person who possesses the diploma of G. C. I. M. granted by the Board of Indian Medicine, Andhra Pradesh shall, if he has been practising modern medicine in the State for a period of not less than five years immediately preceding the commencement of this Act be eligible for registration in Part A1 of the register for modern medicine and on such registration he shall be deemed to be a qualified registered practitioner in modern medicine;

(iv) any person who possesses the degree of B. A. M. or the diploma of D. A. M.,—

(a) of the University of Travancore; or

(b) of the University of Kerala, where such person was admitted to the course for such degree or diploma not later than the academic year 1958-59,

shall be eligible for registration in Part A1 of the register of modern medicine and on such registration he shall be deemed to be a qualified registered practitioner in modern medicine.

Explanation.—For the purposes of this sub-section admission to the pre-professional course for the degree of B. A. M. or the diploma of D. A. M., shall be deemed to be admission to the course for such degree or diploma.

(2) No person shall be eligible for registration under sub-section (1)—

(a) if he is subject to any of the disqualifications mentioned in clauses (a) to (d) of section 7; or

(b) if he has been punished by the Council of Indigenous Medicine before the commencement of this Act or by the Council of Indian Medicine after such commencement in any manner for infamous conduct in the profession or if he has been dismissed from service under any Government.

25. *Registration fee.*—(1) An application for registration other than provisional registration under this Act shall be in Form II as set forth in the schedule accompanied by a fee of fifty rupees in the case of application for registration in Part A or A1 and twenty-five rupees in the case of application for registration in Part B of the register, unless otherwise specifically provided in this Act.

(2) Every registered practitioner who applies to the Registrar for registration in respect of any additional recognised qualification shall pay a fee of five rupees.

(3) If the appropriate council directs the registration of the applicant the Registrar shall enter the name of the applicant in the appropriate register and issue to him a certificate in such form and containing such particulars as may be prescribed by rules.

(4) Nothing in sub-section (1) or sub-section (2) shall be deemed to apply to any person whose name has been registered for the primary or additional recognised qualification, as the case may be, under any enactment for the registration of practitioners in modern medicine, homoeopathic medicine or Indian medicine for the time being in force in any State in India, if the said enactment provides for the registration of persons registered under this Act without payment of any fee or on payment of a smaller fee for the primary or additional recognised qualification, as the case may be.

(5) Any practitioner not registered under this Act or to whom sub-section (4) does not apply but registered in any other State in India shall obtain the previous permission of the appropriate council for practising as a medical practitioner in the State on payment of such fee as may be prescribed by rules:

Provided that nothing contained in this sub-section shall apply to a person whose name is for the time being borne on the Indian Medical Register maintained by the Medical Council of India.

26. *Renewal fees.*—(1) The Government may, by notification in the Gazette, direct that for the retention of a name in a register after the expiry of five years from the date on which the name is first registered or deemed to be registered under this Act, there shall be paid for each five years to the council such renewal fee not exceeding the fee payable for the first registration, as may be prescribed in respect of each register and where such direction has been made, such renewal fee shall be due to be paid before the 1st day of April, following the expiry of the said five years.

(2) Where the renewal fee is not paid before the due date, the Registrar shall remove the name of the defaulter from the register:

Provided that a name so removed may be restored to the register on payment, in such manner as may be prescribed by rules, of the renewal fee together with such fine as may be so prescribed.

(3) On payment of the renewal fee and the fine, if any, the Registrar shall in the manner prescribed by rules, issue a certificate of registration to the practitioner concerned and where the name of the practitioners has been removed from the register under sub-section (2) re-enter his name in the register.

27. *List of practitioners as on 1st January 1974.*—(1) The Registrar shall prepare and keep a list called "List of persons in practice on the first day of January, 1974".

* * * * * *

Provided that any person whose name has been removed from the register maintained under the Travancore-Cochin Medical Practitioners Act, 1953 or the register maintained under any Act of a State Legislature in India or the register of any country where he was formerly practising for infamous conduct in a professional respect, shall not be entitled to have his name entered in the list.

(2) The provisions of sub-sections (4) and (5) of section 20, section 29 and section 35 shall, *mutatis mutandis* apply to the list referred to in sub-section (1).

28. *Practitioners registered under the Travancore-Cochin Medical Practitioners Act, 1953.*—(1) Every practitioner registered under the Travancore-Cochin Medical Practitioners Act, 1953, shall be deemed to be a practitioner registered under this Act if at the commencement of this Act, his name stands entered in the appropriate register maintained under the said Act; and every certificate of registration issued to every such practitioner shall be deemed to be a certificate of registration issued under this Act.

(2) The Registrar shall, as soon as may be after the commencement of this Act, enter in the appropriate registers the name

of all such practitioners as are referred to in sub-section (1) without an application and without payment of any fee.

29. *Application for registration.*—(1) All applications for registration under sections 22, 23 and 24 shall be sent direct to the Registrar.

(2) The Registrar shall place all applications under this section before the committee of the appropriate council appointed for the purpose for its report.

(3) The report of the committee under sub-section (2) shall be placed before the appropriate council for its decision.

(4) An application referred to in sub-section (1) shall be disposed of before the expiry of six months from the date of the application.

30. *Removal from registers by council.*—(1) The name of any person who becomes subject to any of the disqualifications mentioned in clauses (b) to (e) of section 7 shall be liable to be removed altogether or for a specified period from the register:

Provided that the appropriate council may, on sufficient cause being shown, direct that the name of the practitioner so removed shall be re-entered in the register.

(2) The name of no practitioner shall be removed from the register on the ground of his association in any professional respect with an unregistered practitioner for consultation if such unregistered practitioner is possessed of any recognised qualification:

Provided that the registered practitioner shall not be relieved of any obligations or compliance with any rules of conduct which may be imposed upon registered practitioners generally by the appropriate council.

(3) If the name of any person entered in the Indian Medical Register or the Central Register of Indian Medicine is removed therefrom in pursuance of any power conferred by or under the Indian Medical Council Act, 1956, or the Indian Medicine Central Council Act, 1970, as the case may be, or if the name of any person enrolled on the medical register of any other State is removed therefrom in pursuance of any power conferred by or under any law relating to registration of medical practitioners in that State, the appropriate council constituted under this Act shall direct the removal of the name of such person from the register maintained under this Act.

31. *Removal from registers on application.*—(1) Any practitioner registered under this Act may make an application to the

appropriate council for the removal of his name from the register of practitioners and the council may on such application direct such removal:

Provided that no application from such practitioner for the removal of his name from the register shall be considered during the pendency of any disciplinary proceedings against him or in case any disciplinary proceedings are contemplated against him, until such proceedings are dropped or commenced and concluded:

Provided further that if any such application is made with a view to enable the applicant to pursue a course of conduct which would have brought him under the disciplinary jurisdiction of the appropriate council, had his name continued to remain on the register, it shall be rejected.

(2) A practitioner whose name has been removed from the register under sub-section (1) may, on application being made and on payment of such fee as may be prescribed by rules get himself re-registered, if he is at that time eligible for registration under this Act.

32. *Annual list of practitioners.*—(1) The Registrar shall in every year on or before the date to be fixed by the appropriate council, cause to be published in the Gazette a full or supplementary list of the names and qualifications of all practitioners registered under this Act and the dates when such qualifications were acquired.

(2) The Registrar shall, from time to time cause to be published in the Gazette the names of such practitioners which have been duly removed under any of the provisions of this Act.

(3) In any proceeding it shall be presumed that every person whose name is entered in the list published under sub-section (1) is a registered practitioner and that any person whose name is not so entered is not a registered practitioner:

Provided that, in the case of a person whose name has been entered in the register after the publication of the list a certified copy signed by the Registrar of the entry of the name of such person in the register shall be evidence that such person is registered under this Act and such certificate shall be issued free of charge.

33. *Disability.*—No registered practitioner, other than a qualified registered practitioner, who has not undergone a course of practical training in surgery or obstetrics under modern medicine to the satisfaction of the council of Modern Medicine, shall practice surgery or obstetrics, as the case may be.

(2) No registered practitioner shall follow any other profession without the sanction of the appropriate council so long as his name continues in the register.

34. *Privileges.*—(1) Notwithstanding anything contained in any law for the time being in force—

(i) the words "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word or words importing a person recognised by law as a medical practitioner or member of the medical profession when used in any enactment for the time being in force in the State shall be construed to mean a qualified registered practitioner;

* * * * * *

(ii) no person other than qualified registered practitioner shall be eligible to hold, after one year from the commencement of this Act, any appointment as a physician, surgeon, vaidyan or other medical officer in any dispensary, hospital, infirmary, clinic, surgery, lying-in-hospital, sanatorium, nursing home, vaidyasala, dharmasala or other similar institution or as a teacher in any medical school or college:

Provided that this clause shall not be deemed to operate against a registered practitioner, not being the holder of a recognised qualification, who at the commencement of this Act holds any such appointment.

(2) Any person who, not being eligible to hold any appointment referred to in clause (ii) of sub-section (1), holds any such appointment or who employs in such appointment any person who is not eligible to hold such appointment in any institution for the management of which he is responsible shall, on conviction be punishable with fine which may extend to fifty rupees.

(3) Whoever, after having been convicted under sub-section (2), continues to hold any such appointment or continues to employ such person in such appointment in any such institution shall, on conviction, be punished for each day after the date of previous conviction during which he continues to hold the appointment, or to employ such person, with fine which may extend to twenty rupees.

35. *Appeal to the council from the action of the Registrar.*—(1) Any person aggrieved by any act or order of the Registrar under this Act may appeal to the appropriate Council.

(2) Such appeal shall be heard and decided by the council in the manner prescribed by regulations.

(3) The appropriate council may, of its own motion or on the application of any person, after such inquiries as the council

may deem fit to make and after giving an opportunity to the person concerned of being heard, cancel or alter any entry in the register, if in the opinion of the council, such entry was fraudulently or incorrectly made.

36. *Alteration of register by Government.*—The Government may, after giving due notice to the person concerned and to the appropriate council and after inquiry into his objections, if any, order that any entry in the register which shall be proved to the satisfaction of the Government to have been fraudulently or incorrectly made or brought about be cancelled or amended.

37. *Appeal to Government from the decision of the Council.*—An appeal shall lie to the Government from every decision of a council under section 25 or section 30 or section 31 or section 35. Such appeal shall be preferred in such manner and subject to such conditions as may be prescribed by rules within three months from the date on which notice of the order of the council was issued.

38. *Recognition of medical school or college.*—(1) No person shall conduct any medical school or college granting or preparing students to obtain any recognised qualification without recognition from Government.

(2) Government may, subject to such conditions as may be prescribed by rules recognise any medical school or college granting or preparing students to obtain any recognised qualification.

(3) Application for recognition mentioned in sub-section (1) shall be sent to such authority within such time and in such manner as may be prescribed by rules.

39. *Power to require information as to courses of Study and examination.*—Every medical school or college granting or preparing students to obtain any recognised qualification shall furnish such information as the council may, from time to time require as to the courses of study and examinations to be undergone in order to obtain such qualification, as to the period within which such courses of study and examinations are required to be undergone and such qualification is conferred and generally as to the requisites for obtaining such qualification.

40. *Inspection of medical schools or colleges and examinations.*—(1) The Executive Committee of each council may appoint such number of medical inspectors as it may deem necessary to inspect any medical school or college and to attend at any or all of the examinations held by any medical school or college for the purpose of recommending to the Executive Committee recognition of medical qualifications.

(2) Inspectors appointed under this section shall not interfere with the conduct of any medical school or college or any or all of the examinations held by any medical school or college but they shall report to the committee on the sufficiency of every medical school or college which they inspect or of every examination which they attend and on any matters, in regard to which the Executive committee may require them to report.

(3) The Executive Committee shall forward a copy of every such report to the University or medical school or college concerned and shall also forward a copy with the remarks of the concerned university or medical school or college to the Government.

41. *Appointment of visitors.*—(1) The Council may appoint such number of visitors as it deems necessary to inspect any medical school or college or to attend any or all of the examinations held by any medical school or college for the purpose of granting recognition to any medical school or college or for granting recognised qualifications.

(2) Any person, whether he is a member of the council or not, may be appointed as a visitor under this section but a person who is appointed as an Inspector for any examination shall not be appointed as a visitor for the same medical school or college or examination.

(3) Visitors appointed under this section shall not interfere with the conduct of any medical school or college or any or all of the examinations held by any medical school or college but they shall report to the President of the Council on the sufficiency of every medical school or college which they inspect or of every examination which they attend and on any other matters in regard to which the council may require them to report.

(4) The report of a visitor shall be treated as confidential unless in any particular case the President of the Council otherwise directs;

Provided that if the Government requires a copy of report of a visitor the council shall furnish the same.

42. *Withdrawal of recognition.*—(1) When upon report by a committee appointed by the Council or by a visitor, it appears to the council that the course of study or examination to be undergone in any medical school or college in order to obtain a recognised qualification, is not such as to secure to persons the knowledge and skill requisite for the efficient practice of medicine, the council shall make a representation to that effect to the Government.

(2) After considering such representation, the Government may, if they deem fit proceed further in the matter, require the medical school or college against which the representation is received, to submit its explanation to Government within a fixed period.

(3) On receipt of such explanation or, where no explanation is submitted within the period fixed then on the expiry of that period and after making such further enquiry, as the Government may think fit, they may, by notification, in the Gazette withdraw the recognition granted to any such medical school or college.

43. * * * * * *

43. *Rules.*—(1) The Government may, by notification in the Gazette make rules to carry out all or any of the purposes of this Act not inconsistent therewith.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules—

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(a) with reference to the elections of President and Vice-President or members including election petitions and deposits to be made by candidates standing for election as members and the conditions under which such deposits may be forfeited:

Provided that the deposit required shall not exceed fifty rupees.

(b) as to the manner in which vacancies shall be filled under section 10;

(c) as to the fees and other allowances payable to the President, Vice-President and the other members of each Council under section 17;

(d) as to the method of recruitment, qualifications, salary, allowances and other conditions of service of the Registrar under section 19;

(e) as to the powers of the Registrar to punish the officers and servants appointed or employed under section 19;

(f) as to the form of the registers and the particulars to be entered therein under section 20;

(g) as to the application of the fees and other amounts received under this Act;

(h) as to the form of the certificate to be issued under section 25 and the particulars which it shall contain;

(i) as to the procedure relating to appeal to the Government from the decisions of each council under section 35;

(j) as to the furtherance of any of the objects of each council;

(k) as to the conditions under which recognition may be granted to any medical school or college;

(l) as to the manner in which application under sub-section (3) of section 38 shall be submitted for recognition;

(m) as to any other matter which has to be or may be prescribed by rules made under this Act.

** ** ** **

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule, or decides that the rule shall not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of any thing previously done under that rule.

44. *Regulations.*—(1) Each council may subject to the provisions in section 46 and with the previous sanction of the Government, make regulations not inconsistent with this Act or the rules made thereunder for all or any of the following matters, namely:—

(a) the time and place at which the council shall hold its meetings and the manner in which such meeting shall be convened and held;

(b) the procedure relating to appeals under section 34;

(c) the procedure to be followed in making reports under section 56;

** ** ** **

(d) all other matters which may be necessary for the purposes of carrying out the objects of this Act.

(2) All regulations made under this section ** ** ** shall be published in the Gazette.

(3) The Government may, by notification in the Gazette, cancel any such regulations.

45. *First Regulations.*—(1) Notwithstanding anything contained in section 45, the first regulations under this Act shall be made in accordance with the procedure prescribed in sub-sections (2) to (9).

(2) As soon as may be after the first councils under this Act are constituted, the Council of Modern Medicine and the Council of Indigenous Medicine shall each appoint a committee consisting of five members excluding the ex-officio members and the council of Homoeopathic Medicine shall appoint a committee consisting of three members excluding the ex-officio members to draft the regulations referred to in sub-section (1).

(3) The Registrar and the Secretary to Government in charge of the Health Department shall be ex-officio members of each committee.

(4) Three members shall form the quorum of each committee.

(5) The Committee shall draft the regulations and such regulations shall be placed before the appropriate Council for its consideration.

(6) The Council may make such modifications as it considers necessary in the regulations placed before it under sub-section (5) and the regulations with such modifications shall be submitted to the Government for approval.

(7) The Government may approve the regulations submitted to them under sub-section (6) with or without modification or return regulations to the appropriate Council for reconsideration.

(8) All regulations made under this section and approved by the Government shall be published in the Gazette.

(9) The Government may, by notification in the Gazette rescind any regulation which they have approved and thereupon the regulation shall cease to have effect.

PART III

MEDICAL PRACTITIONERS GENERALLY

46. *Persons not registered under this Act, etc., not to practise.*—Subject to the provisions of section 27 of the Indian Medical Council Act, 1956, (Central Act 102 of 1956) no person other than—

(i) a registered practitioner; or

(ii) a practitioner whose name is entered in the list mentioned in section 27; or

(iii) a practitioner whose name is entered in the list of practitioners published under section 32;

shall practice or hold himself out, whether directly or by implication, as practising modern medicine, homoeopathic medicine or ayurvedic medicine, sidha medicine or unani tibbi medicine or marma medicine and no person who is a registered practitioner of any such medicine shall practise any other medicine unless he is also a registered practitioner of that medicine:

Provided that this section shall not apply to a practitioner eligible for registration under this Act who, after having filed the application for registration, is awaiting the decision of the appropriate council or of the Government in case of appeal:

Provided further that this section shall not apply to a practitioner eligible for registration under this Act until the period prescribed for application under sub-section (4) of section 22 expires.

47. *Penalty.*—(1) Any person who acts in contravention of section 46 shall be punished,—

(a) in the case of a first offence, with imprisonment for a term which may extend to one year and with fine which may extend to five hundred rupees; and

(b) in the case of a second or subsequent offence, with imprisonmen for a term which shall not be less than six months and with fine which shal not be less than one thousand rupees.

(2) Whoever contravenes the provisions contained in sub-section (1) of section 38 shall, on conviction, be punishable with fine which may extend to one thousand rupees and if the person so contravenes, is an association or other body of persons, every member of such association or other body of persons, who knowingly or wilfully authorises or permits the contravention shall, on conviction, be punishable with fine which may extend to one thousand rupees.

48. *Power to enter and search.*—The Revenue Divisional Officer having jurisdiction may enter and search at any time between sunrise and sunset any place in which he has reasons to believe that an offence under section 46 has been or is being committed and may, if he deems proper, arrest any person found in such place whom he has reason to believe to be guilty of the offence:

Provided that every person arrested shall be admitted to bail by the Revenue Divisional Officer if sufficient bail be tendered for his appearance before a Magistrate.

49. *Authority to confer title.*—The right of conferring, granting or issuing in the State degrees, diplomas, licenses, certificates or other documents stating or implying that the holder, grantee or recipient thereof is qualified to practice modern medicine, homoeopathic medicine or ayurvedic medicine, sidha medicine, unani tibbi medicine or marma medicine shall be exercisable only by an authority, body or institution authorised in that behalf by or under an Act of Parliament or approved for the purpose by the Government of Kerala.

50. *Prohibition of conferment etc., of degrees, etc.*—(1) Save as provided by section 48, no person shall confer, grant or issue or hold himself out as entitled to confer, grant or issue any degree, diploma, license, certificate or other document stating or implying that the holder, grantee or recipient thereof is qualified to practice modern medicine, homoeopathic medicine, ayurvedic medicine, sidha medicine, unani tibbi medicine or marma medicine.

(2) Whoever contravenes the provisions of sub-section (1) shall, on conviction, be punishable with fine which may extend to one thousand rupees and if the person, so contravenes is an association, every member of such association who knowingly or wilfully authorises or permits the contravention shall, on conviction, be punishable with fine which may extend to one thousand rupees.

51. *Penalty for unauthorised use of titles. etc., implying medical qualifications.*—

(1) No person shall add to his name any title, letters or abbreviations which imply that he holds a degree, diploma, license or certificate as his qualification to practice modern medicine, homoeopathic medicine, ayurvedic medicine, sidha medicine, unani tibbi medicine or marma medicine unless—

(a) he actually holds such degree, diploma, license or certificate, and

(b) such degree, diploma, licence or certificate—

(i) is recognised by any law for the time being in force in the State; or

(ii) has been conferred, granted or issued by an authority referred to in the Schedule; or

(iii) has been recognised by the Medical Council of India.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable, in the case of a first conviction, with fine which may extend to two hundred and fifty rupees and in the case of a subsequent conviction, with fine which may extend to five hundred rupees.

52. *Penalty for falsely assuming or using medical titles.*—Whoever wilfully and falsely assumes or uses any title or description or any addition to his name implying that he holds a degree, diploma, license or certificate conferred, granted or issued by any authority referred to in section 49 or recognised by the Medical Council of India or that he is qualified to practise modern medicine, homoeopathic medicine, ayurvedic medicine or sidha medicine, unani tibbi medicine or marma medicine shall be punishable with fine which may extend to two hundred and fifty rupees for the first offence, and to fine which may extend to five hundred rupees for every subsequent offence.

** ** ** **

53. *Jurisdiction of Magistrate.*—(1) No Court inferior to that of a Magistrate of the First Class shall try any offence punishable under this Act.

(2) No Court shall take cognizance of any offence under this Act except on a complaint in writing made by the Registrar with the previous approval of the President.

54. *Jurisdiction of civil courts barred.*—No Act done in the exercise of any power conferred by or under this Act on the Government, a council, the executive committees, the Registrar or any member of a council shall be questioned in any civil court.

Part IV

Miscellaneous

55. *Alteration of list of recognised qualifications, mentioned in the Schedule.*—If it shall appear to the Government on the report of the appropriate council or otherwise, that the course of study and examinations prescribed by any of the medical schools or colleges or bodies conferring the qualifications described in the schedule are not such as to secure the possession by persons obtaining such qualifications of the requisite knowledge and skill for the efficient practice of their profession, or if it shall appear to the Government, on the report of the appropriate council or otherwise, that the course of study and examinations prescribed by any medical school or college or body conferring a qualification not entered in the schedule are such as to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession, it shall be lawful for the Government,

(2) Whoever contravenes the provisions contained in sub-section (1) of section 38 shall, on conviction, be punishable with fine which may extend to one thousand rupees and if the person so contravenes, is an association or other body of persons, every member of such association or other body of persons, who knowingly or wilfully authorises or permits the contravention shall, on conviction, be punishable with fine which may extend to one thousand rupees.

48. *Power to enter and search.*—The Revenue Divisional Officer having jurisdiction may enter and search at any time between sunrise and sunset any place in which he has reasons to believe that an offence under section 46 has been or is being committed and may, if he deems proper, arrest any person found in such place whom he has reason to believe to be guilty of the offence:

Provided that every person arrested shall be admitted to bail by the Revenue Divisional Officer if sufficient bail be tendered for his appearance before a Magistrate.

49. *Authority to confer title.*—The right of conferring, granting or issuing in the State degrees, diplomas, licenses, certificates or other documents stating or implying that the holder, grantee or recipient thereof is qualified to practice modern medicine, homoeopathic medicine or ayurvedic medicine, sidha medicine, unani tibbi medicine or marma medicine shall be exercisable only by an authority, body or institution authorised in that behalf by or under an Act of Parliament or approved for the purpose by the Government of Kerala.

50. *Prohibition of conferment etc., of degrees, etc.*—(1) Save as provided by section 48, no person shall confer, grant or issue or hold himself out as entitled to confer, grant or issue any degree, diploma, license, certificate or other document stating or implying that the holder, grantee or recipient thereof is qualified to practice modern medicine, homoeopathic medicine, ayurvedic medicine, sidha medicine, unani tibbi medicine or marma medicine.

(2) Whoever contravenes the provisions of sub-section (1) shall, on conviction, be punishable with fine which may extend to one thousand rupees and if the person, so contravenes is an association, every member of such association who knowingly or wilfully authorises or permits the contravention shall, on conviction, be punishable with fine which may extend to one thousand rupees.

51. *Penalty for unauthorised use of titles. etc., implying medical qualifications.*—(1) No person shall add to his name any title, letters or abbreviations which imply that he holds a degree, diploma, license or certificate as his qualification to practice modern medicine, homoeopathic medicine, ayurvedic medicine, sidha medicine, unani tibbi medicine or marma medicine unless—

(a) he actually holds such degree, diploma, license or certificate, and

(b) such degree, diploma, licence or certificate—

(i) is recognised by any law for the time being in force in the State; or

(ii) has been conferred, granted or issued by an authority referred to in the Schedule; or

(iii) has been recognised by the Medical Council of India.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable, in the case of a first conviction, with fine which may extend to two hundred and fifty rupees and in the case of a subsequent conviction, with fine which may extend to five hundred rupees.

52. *Penalty for falsely assuming or using medical titles.*—Whoever wilfully and falsely assumes or uses any title or description or any addition to his name implying that he holds a degree, diploma, license or certificate conferred, granted or issued by any authority referred to in section 49 or recognised by the Medical Council of India or that he is qualified to practise modern medicine, homoeopathic medicine, ayurvedic medicine or sidha medicine, unani tibbi medicine or marma medicine shall be punishable with fine which may extend to two hundred and fifty rupees for the first offence, and to fine which may extend to five hundred rupees for every subsequent offence.

** ** ** **

53. *Jurisdiction of Magistrate.*—(1) No Court inferior to that of a Magistrate of the First Class shall try any offence punishable under this Act.

(2) No Court shall take cognizance of any offence under this Act except on a complaint in writing made by the Registrar with the previous approval of the President.

54. *Jurisdiction of civil courts barred.*—No Act done in the exercise of any power conferred by or under this Act on the Government, a council, the executive committees, the Registrar or any member of a council shall be questioned in any civil court.

PART IV

MISCELLANEOUS

55. *Alteration of list of recognised qualifications, mentioned in the Schedule.*—If it shall appear to the Government on the report of the appropriate council or otherwise, that the course of study and examinations prescribed by any of the medical schools or colleges or bodies conferring the qualifications described in the schedule are not such as to secure the possession by persons obtaining such qualifications of the requisite knowledge and skill for the efficient practice of their profession, or if it shall appear to the Government, on the report of the appropriate council or otherwise, that the course of study and examinations prescribed by any medical school or college or body conferring a qualification not entered in the schedule are such as to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession, it shall be lawful for the Government,

from time to time by notification in the Gazette, to direct that the possession of any qualification entered in the schedule shall not entitle any person to registration under this Act, or to direct that the possession of any qualification not entered in the schedule shall, subject to the provisions of this Act, entitle a person to be so registered, as the case may be, and the schedule shall thereupon be deemed for all purposes to be altered accordingly.

56. *Medical Practitioners registered under the Madras Medical Registration Act, 1914 to be deemed Registered under this Act.*—(1) Notwithstanding anything contained in this Act any person—

(i) registered under the Madras Medical Registration Act, 1914 and holding any appointment or practising in the Malabar District referred to in sub-section (2) of section (5) of the States Reorganisation Act, 1956 (Central Act 37 of 1956) immediately before the first day of November, 1956; or

(ii) registered on or after the first day of November 1956 under the said Act as applicable to the Malabar District referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956); shall, so long as such registration continues in force, be deemed to be registered in Part A of the Register for Modern Medicine maintained under this Act.

(2) The Registrar shall, on application and on production of evidence enter the names of medical practitioners, who are deemed to be registered under sub-section (1) in Part A of the Register for Modern Medicine.

57. *Renewal of registration of certain practitioners.*—Notwithstanding anything contained in sections 28 and 56, the registration of any person referred to in either of those sections shall cease to have effect if he does not apply for renewal within a period of three months from the commencement of this Act.

58. *Repeal.*—(1) The Travancore-Cochin Medical Practitioners Act, 1953 (9 of 1953) is hereby repealed.

(2) The Madras Medical Registration Act, 1914 (Madras Act IV of 1914), as in force in the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956), is hereby repealed.

THE SCHEDULE

Recognised Qualifications for Ayurvedic, Sidha, Unani, Tibbi and Marma medicines

I. Certificate or diploma granted by the Government Marma Chikitsa Training Centre, Neyyattinkara.

II. Any degree or diploma granted by the University of Travancore or the University of Kerala or the University of Calicut.

III. Any diploma or certificate granted by the Government.

FORM I

Certificate of Ten Years Practice Referred to in Section 22 (5)

Office of the ....

Dated..........................

On the basis of the records in this office or facts known after due inquiry I certify that Sri..has been shown or proved as following the occupation of a practitioner of the.............. ....medicine for not less than ten years as shown below:—

(a) at 1 . . . . (b) from..............to............

2 . . . . from..............to............

3 . . . . from..............to............

1. The date of birth of the applicant
2. Present occupation of the applicant
3. Father's name and occupation
4. Other occupations (if any) of the applicant

Signature

Designation

(a) Here enter the name or names of the place or places where the applicant is shown of practising or having practised.

(b) Here enter the dates showing the beginning and termination of practice in each place.

N. B.—(1) The certificate should bear the date stamp of the office of issue, if any.

(2) The printed wording in the certificate should not be altered

(3) Other occupations to be noted in this column are other occupations followed during the periods of practice noted above

FORM II

Application for registration referred to in Sections 23 (2) and 25 (1)

Professional Address Dated 19

To

The Registrar,
The Council of Modern Medicine/The Council of Homoeopathic Medicine/The Council of Indigenous Medicine,
Kerala, Trivandrum.

Sir,

I have the honour to request that my name may be registered/registered provisionally under the Kerala Medical Practitioners Act, 1971 and that I may be furnished with a certificate of registration/provisional registration.

2. The information necessary for registration/provisional registration is specified below:

3. The diploma which I possess is forwarded herewith in original which please return when no longer required.

4. The registration/provisional registration fee of Rs. 50, Rs. 25, Rs. 5 is herewith sent.

Yours faithfully,

(*Signature*)

Applicant's name in full (the full signification of the initials which stand before the name should be given)

Date of birth

Father's name

Medical qualifications of which registration is required

College or school where each was obtained

Year of diploma

Any remarks

Secretariat of the Kerala Legislature,
Trivandrum, April 19, 1974.

DR. R. PRASANNAN,
Secretary.

Government of Kerala
1974

Reg. No. K. L.

KERALA GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY

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NOTIFICATION

UNDER SECTION 6 OF THE KERALA SURVEY AND BOUNDARIES ACT, 1961

16th April 1974.

Ref. B. 181/74.

Whereas the Government have directed the survey of lands comprised in survey numbers noted below, it is hereby notified under sub-section (1) of Section 6 of the Kerala Survey and Boundaries Act, 1961, that survey operation will be started in the village soon and the survey numbers of the villages noted below will be demarcated and surveyed and that every person claiming to be interested in the registered lands situated within or adjoining the undermentioned lands is hereby invited to attend immediately either in person or by agent on the surveyor employed in the locality and also from time to time when called upon for the purpose of pointing out the boundaries and supplying information in connection therewith.

Under sub-section (2) of Section 6 of the said Act, this notification shall be held to be a valid notice to every person having any interest in the under mentioned lands.

Under sub-section (3) of Section 6 of the above said Act, all the registered holders are hereby required:

(a) to clear within 15 days by cutting down or removing any trees, jungle, fences, standing crops or other material obstructions, the boundaries or other lines, the clearance of which may be necessary for the purposes of survey; and

(b) to provide labour at such time and for such periods as may from time to time be required by furnishing flag holders and chainmen; and

(c) to provide suitable survey marks and otherwise to give such assistance in the survey as may be demanded under the said Act or the rules made thereunder.

If any person fails to comply with these requisitions under clauses (a) to (c) mentioned above, the work will be got done by employing hired labour and the cost thereof will be recovered from the defaulters as provided in the Act and rules made thereunder.

Details of Lands

District—Cannanore. Taluk—Cannanore.
Amsom—Puzhathi and Chirakkal. Desom—Puzhathi and Chirakkal.

Serial Number	*Survey Number*
Puzhathi Amsom and Desom	
1	1/1
2	1/2
Chirakkal Amsom and Puzhathi Desom	
3	110/1
4	110/2
5	110/3
6	110/10
7	110/11
8	110/12A
9	110/12B
10	110/13A
11	110/13B
12	110/14
13	110/15
14	110/16
15	110/17
16	111/1
17	111/2
18	111/3
19	111/4
20	111/15
21	111/16A
22	111/16B
23	111/17
24	111/18
25	111/19
Chirakkal Amsom and Desom	
26	106/3

N. KUNHIKRISHNAN NAMBIAR,
Cannanore. *Special Tahsildar for L. A. (NH).*

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